S.B. Cr. Bail Application No. 4415/2007
(Mohan Ram Vs. State of Rajasthan)

Date of order : 07.09.2007

HON'BLE MR.H.R.PANWAR,J.

Mr. Firoz Khan for the petitioner.
Mr. Ashok Upadhyay, P.P.

Heard learned counsel for the petitioners and public prosecutor for the State. Perused the order impugned.

The investigation for the offence under Section 379 IPC is pending against the petitioner. From the perusal of the order impugned, it appears that as many as 37 cases of similarly nature are registered against the petitioner and in some of the cases, he has already been convicted.

Keeping in view, the provision of Section 437 (1)(ii) Cr.P.C. in my view, the petitioner is not entitled for bail. Section 437 (1)(ii) Cr.P.C. provides that a person shall not be so released if such offence is a cognizable offence and he had been previously convicted of an offence punishable with death, imprisonment, for life, or imprisonment for seven years or more, or he had been previously convicted on two or more occasions of a non-bailable and cognizable offence.

In the instant case, the petitioner has been convicted

in two cases. From the perusal of the order impugned, it appears that the petitioner is habitual offender for committing the theft.

The bail application filed by the petitioner under Section 439 Cr.P.C. is therefore, dismissed.

(H.R.PANWAR), J.

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